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06/15/2001

Laura T. Putnam

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Sunstein Kann Murphy & Timbers LLP
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EXAMINER

BOYCE, ANDRE D

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
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8 *Ex parte* LAURA T. PUTNAM, EILEEN C. SHAPIRO,
9 and STEVEN J. MINTZ
10

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12 Appeal 2009-001096
13 Application 09/882,292
14 Technology Center 3600
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19 *Before:* MURRIEL E. CRAWFORD, JOSEPH A. FISCHETTI, and BIBHU
20 R. MOHANTY, *Administrative Patent Judges.*

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22 CRAWFORD, *Administrative Patent Judge.*
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25 DECISION ON REQUEST FOR REHEARING¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

1 Appellants filed a Request for Reconsideration (hereinafter
2 “Request”) dated May 14, 2010 contending that the Board, in the Decision
3 on Request for Rehearing on Appeal dated March 16, 2010 (hereinafter
4 “Decision”) misapprehended the type of correlation used by Salmon vis-à-
5 vis the type of correlation required by the subject matter claimed therein.
6 (Request 1).

7 In our Decision on Request for Rehearing, we modified our earlier
8 Decision dated August 27, 2009 by entering a new rejection of independent
9 claims 3, 80, and 88 as being unpatentable under 35 U.S.C. § 103(a) (2002)
10 in view of Salmon.

11 The Appellants argue in this Request that Salmon matches on people
12 but does not identify second industries as required by claims 3, 80, and 88.
13 (Request 2). We do not agree. As we previously stated, all that independent
14 claims 3, 80, and 88 recite is correlating potentially transferable job
15 functions for two industries. (Decision 3-4). By setting the weights of
16 industry and experience in Salmon, the user is implicitly stating how much a
17 particular job function is transferable across industries. This correlation is
18 done in the Buyer’s profile and, as such, is not merely matching people, but
19 rather establishing for a job function in a first industry a match to that same
20 job function in a plurality of second industries. As such, the Salmon method
21 does correlate for a job function in a first industry with a set of second
22 industries to which the job function is capable of being potentially
23 transferable.

1 In view of the foregoing, the Appellants' Request for Rehearing is
2 denied.

3 No time period for taking any subsequent action in connection with
4 this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R.
5 § 1.136(a)(1)(iv) (2007).

6
7 DENIED

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